

Message

From: Ghosh, Mita [Ghosh.Mita@epa.gov]
Sent: 10/28/2020 4:55:19 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]
CC: Rubini, Suzanne [Rubini.Suzanne@epa.gov]
Subject: RE: Florida Plan Would Ease Wetlands Permitting. That's A Problem, Environmentalists Say

Ex. 5 Attorney Client (AC)

Mita Ghosh
Chief, Water Law Office
Office of Regional Counsel
United States Environmental Protection
Region 4
404-562-9568

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From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Wednesday, October 28, 2020 12:54 PM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Cc: Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: FW: Florida Plan Would Ease Wetlands Permitting. That's A Problem, Environmentalists Say

Ex. 5 Attorney Client (AC)

From: Allenbach, Becky <Allenbach.Beky@epa.gov>
Sent: Wednesday, October 28, 2020 12:43 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Jones, Aaryn <Jones.Aaryn@epa.gov>
Subject: FW: Florida Plan Would Ease Wetlands Permitting. That's A Problem, Environmentalists Say

Mary, for your situational awareness.

Becky B. Allenbach, Deputy Director
Water Division
EPA Region 4
Office 404-562-9687
Cell: **Ex. 6 Personal Privacy (PP)**

From: Blackburn, Steven <Blackburn.Steven@epa.gov>
Sent: Wednesday, October 28, 2020 10:22 AM
To: McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Lehmann, Wade <Lehmann.Wade@epa.gov>; Harper, Cecelia <Harper.Cecelia@epa.gov>; Scheidt, Dan <Scheidt.Dan@epa.gov>

Allenbach, Becky <Allenbach.Bekky@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>

Subject: Florida Plan Would Ease Wetlands Permitting. That's A Problem, Environmentalists Say

FYI - Wetland program assumption article with quotes from retired EPA employee Eric Hughes. Author is with Miami Herald.

<https://wusfnews.wusf.usf.edu/environment/2020-10-22/florida-plan-would-ease-wetlands-permitting-thats-a-problem-environmentalists-say>

All Streams

Environment

Florida Plan Would Ease Wetlands Permitting. That's A Problem, Environmentalists Say

WLRN 91.3 FM | By Jenny Staletovich

Published October 22, 2020 at 6:05 AM EDT



The state has been looking into assuming control of the federal wetlands permitting program off and on since 1992. Wednesday, the EPA held the first of two public hearings on the state application submitted in August.

At the first of two public hearings over Florida's bid to take control of wetlands permitting from the U.S. government, the Florida Chamber of Commerce and the state's powerful utilities argued the plan would be good for business.

"This streamlined approach is good for Florida's environment and it's good for Florida's regulated community," said David Childs, an attorney representing the Florida Electric Power Coordinating Group.

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The cumbersome federal process and staff turnover often lead to delays in permitting, he said. Similar permits issued by the Florida Department of Environmental Protection are received "months or even years" sooner, Childs said.

And that's a problem, say opponents who worry the state plan will speed up the loss of wetlands in a state increasingly threatened by sea rise and worsening hurricanes. If approved, Florida be one of only three states in the U.S. to handle wetland permitting locally.

The state submitted its application in August, just months after the COVID-19 pandemic shut down many government offices. Opponents say that's impeded public scrutiny.

They also say the application lacks details, including a list of areas that would come under the permitting, how endangered wildlife would be protected and how the state would staff its new duties. In its application, DEP said it plans to re-assign 18 employees.

Over the last decade, the agency has shrunk dramatically, with inspections and enforcement steadily declining. Fines also decreased, from an average of about \$12 million a year to less than \$4 million in recent years, according to a study by Public Employees for Environmental Responsibility.

And critics say the agency is already struggling to keep up with protecting the state's resources.

"FDEP is woefully behind schedule on [developing pollution limits] and is regularly behind on enforcement actions," said Kelly Cox, an attorney with Miami Waterkeeper. "Additional responsibilities will divert resources away from the critical preexisting duties."

This past summer, the agency finally approved a pollution permit for cooling canals at Turkey Point's nuclear plant that expired more than a decade ago as the agency wrestled with how to address canal water leaking into Biscayne Bay.

That's just one example of how the agency defers to industry, critics said.

"The applicant is reviewed as the client," said Eric Hughes, who coordinated wetlands permitting with the U.S. Army Corps of Engineers before retiring from the EPA in 2018. "DEP doesn't deny permits. Neither do the water management districts. If you just look at the statistics, I'd be shocked if they denied more than 1 percent of permits. That's not protection."

Statewide, chronic pollution continues to leave lakes, bays and rivers with water that fails to meet water quality standards.

"Only roughly one third of water bodies statewide are actually obtaining water quality standards," said Matanzas Riverkeeper Jen Lomberk.

Federal oversight also makes wetlands permitting less vulnerable to political pressure, Hughes said.

"The Corps of Engineers is a military entity," he said. "They are much more buffered from the hardcore influence of the Florida Legislature and the governor's office."

During Wednesday's hearing, opponents asked to have the application delayed until the state provides more details on how it plans to run the program.

"Environmental enforcement has plummeted compared to 10 years ago and the state has made no commitment to adding staff or financial resources," said Lindsay Dubin, a Defenders of Wildlife staff attorney.

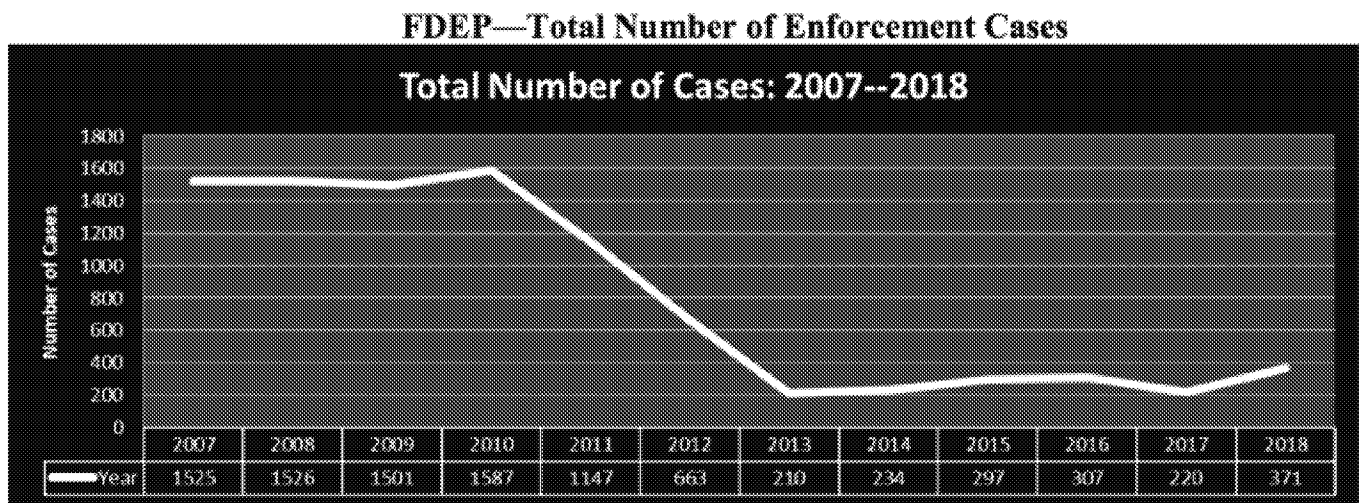
Last month, Dubin said she asked the agency to provide details on how it planned to protect endangered panthers, sea turtles and other wildlife once it takes over permitting.

DEP said it was still putting together a plan, she said. When Dubin asked for another document needed to create that plan, she was told to submit a Freedom of Information Act request.

"The public is being asked to take a leap of faith," she said.

The next public hearing will be held Oct. 27. Head [here to register](#) for the 5 p.m. hearing.

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Public Employees For Environmental Responsibility /

A 2018 study by Public Employees for Environmental Responsibility found Florida Department of Environmental Protection enforcement cases dropped sharply even as pollution problems worsened.